

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN OLAYA, D-2,

Defendant.

Case No. 15-cr-20200
Honorable Laurie J. Michelson
Magistrate Judge David R. Grand

**ORDER DENYING RENEWED MOTION TO SUPPRESS EVIDENCE
RESULTING FROM COLLECTION OF CELL PHONE DATA [408]**

Juan Olaya is charged in a multi-defendant RICO conspiracy. He is also charged with numerous counts of assault with a dangerous weapon in aid of racketeering and use and carry of a firearm during, and in relation to, a crime of violence.

Back in January 2017, Olaya moved to suppress cell phone data, including cell-site location data. (ECF No. 154.) In that motion, Olaya stated, “Defendant acknowledges that this Court is required to deny this motion because the Sixth Circuit has considered and rejected the arguments raised herein in *United States v. Carpenter*, 819 F.3d 880 (6th Cir. 2016). Defendant makes this motion to preserve the issue for possible review by the Sixth Circuit en banc or the United States Supreme Court.” (*Id.*) As Olaya hoped, in 2018, the Supreme Court reversed the Sixth Circuit’s decision in *Carpenter*. Although expressly noting that its holding did not extend to all types of cell-site location data, the Supreme Court held that the Government needed a warrant to obtain the cell-site location data at issue in *Carpenter*. See 138 S. Ct. 2206, 2220 (2018).

Following the Supreme Court's decision, Olaya "renew[ed] his motion to suppress evidence resulting from the collection of cell phone data" obtained through orders under the Stored Communication Act and not by warrant. (ECF No. 408, PageID.6320.) The Government opposed the motion (ECF No. 418) and the Court heard oral argument on February 3, 2020.

For the reasons stated more fully on the record in the Court's oral ruling, Olaya's renewed motion is DENIED.

SO ORDERED.

Dated: February 7, 2020

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE